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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4263
INFO RUCNCIS/CIS COLLECTIVE 1002
RUCNCLS/SOUTH AND CENTRAL ASIA COLLECTIVE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
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SUBJECT: KAZAKHSTAN: YOU WIN SOME, YOU LOSE SOME -- COURTS RULE ON
TWO CASES AGAINST OPPOSITION PAPER

REF: ASTANA 2407

11. (U)Sensitive but unclassified. Not for public Internet.

12. (SBU) Two Almaty courts ruled on December 26 and 27 on two of the five pending libel cases against the opposition paper Tazhargan (reftel), with one decision in the paper's favor, and one against. On December 26, the Almaty Economic Court took the paper's side in its dispute with the local police department over articles on corruption in the department's ranks. The courts rejected the department's claim for 50 million tenge (approximately \$400,000) for damages to its dignity and honor. However, immediately following that decision, the Almaty Administrative Court ruled on December 27 that the paper was guilty of undermining the dignity of ethnic Kazakhs when it quoted a pejorative comment made by one of the local residents in its coverage of an inter-ethnic clash in the Malybay village. The courts fined the paper close to 400,000 tenge (approximately \$3,000). The criminal case against the journalist who wrote the article is still pending.

13. (SBU) COMMENT: The positive decision by the Almaty Economic Court is a welcome development. Local administrators and officials are known to use libel laws to punish papers for critical articles, and the court's decision could begin put a damper on the practice. Although the decision of the Administrative Court was surely a disappointment to Tazhargan, it was far from surprising. Kazakhstan's legal code places strict restrictions on speech that "incites" racial, ethnic, or religious hatred.

HOAGLAND